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11 Attorneys for Defendant
CJENA CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 || OYSTER OPTICS, LLC,

CASE NO. 4:17-cv-05920-JSW

16 Plaintiff,

CIENA'S STATEMENT OF RECENT DECISIONS

18 CIENA CORPORATION

19 || Defenda

19 || Defendant

1 Concurrently filed herewith is the parties' Joint Case Management Statement that, among
2 other things, seeks to have the stay of this case lifted and certain administratively terminated
3 motions restored to the calendar now that the *Ex Parte* Reexamination of U.S. Patent No.
4 7,520,327 is terminated. Pursuant to Civil Local Rule 7-3(d)(2), Ciena Corporation ("Ciena")
5 respectfully submits the following subsequent authority as relevant to Ciena Corporation's
6 Motion to Exclude the Opinions and Testimony of Plaintiff's Damages Expert Stephen Dell,
7 Under Fed. R. 702 and *Daubert* (Dkt. No. 179) ("Ciena's Damages *Daubert* Motion"):

8 • *MLC Intellectual Property, LLC v. Micron Technology, Inc.*, 10 F.4th 1358 (Fed. Cir.
9 2021) (attached as Exhibit A);
10 • *Omega Patents LLC v. CalAmp Corp.*, 13 F.4th 1361 (Fed. Cir. 2021) (attached as Exhibit
11 B); and
12 • *Apple Inc. v. Wi-LAN, Inc.*, 25 F.4th 960 (Fed. Cir. 2022) (attached as Exhibit C).

13
14 DATED: October 7, 2022

Respectfully submitted,

15 MCKOOL SMITH, P.C.

16 By: /s/ Blair M. Jacobs
17 BLAIR M. JACOBS

18 *Attorneys for Defendant Ciena Corporation*

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and correct copy of the above and foregoing document has been
3 served on all counsel of record via the Court's ECF system on October 7, 2022.

4 /s/ Blair M. Jacobs
5 Blair M. Jacobs

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